

DT07 Rec'd PCT/PTO 09 FEB 2005

FORM PTO-1390 (REV. 10-2004)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 16218.013
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) To Be Assigned <b>10/524252</b>
INTERNATIONAL APPLICATION NO. PCT/US03/21271	INTERNATIONAL FILING DATE 9 July 2003	PRIORITY DATE CLAIMED 9 July 2002
TITLE OF INVENTION: Microfine Zinc-Glycerol Complexes		
APPLICANT(S) FOR DO/EO/US: Reginald M. TAYLOR et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))        a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).        b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.        c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))        a. <input type="checkbox"/> is attached hereto.        b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))        a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).        b. <input type="checkbox"/> have been communicated by the International Bureau.        c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.        d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<b>Items 11 to 20 below concern document(s) or information included:</b>		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76 .</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information (list): a) a Pet. Under 37 CFR §1.137(b) for Revival of an Unintentionally Abandoned Intern. Patent Appl. Designating the U.S.; b) a copy of the pub. Intern. Appl. No. WO 2004/005300 A1; c) a copy of Form PCT/ISA/220 (Not. of Transmittal of ISR); d) a copy of Form PCT/IB/304 (Not. Concerning Submission or Transmittal of Priority Doc.); and e) a copy of form PCT/IB/308 (Not. Informing the Applicant of the Comm. of the Intern. Appl. to the Des. Offices).</p>		

U.S. APPLICATION NO. (If known, see 37 CFR 1.6) To Be Assigned <b>10524252</b>				International Application No. <b>PCT/US03/21271</b>	ATTORNEY'S DOCKET NUMBER <b>16218.013</b>
21. <input checked="" type="checkbox"/> The following fees are submitted:					
<input checked="" type="checkbox"/> a) Basic national fee.....				\$300.00	Applicant Use
<input checked="" type="checkbox"/> b) Examination fee.....				\$200.00	Office Use Only
<input checked="" type="checkbox"/> c) Search fee.....				\$500.00	
<b>Total of above calculations =</b>				<b>\$1,000.00</b>	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$0.00	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		Rate	
34-100=	/50=			X \$250.00	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e))				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	18- 20 =	0	x \$ 50.00		
Independent claims	9- 3 =	6	x \$ 200.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$ 360.00	\$ 0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 2,330.00</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 1,165.00	
<b>SUBTOTAL =</b>				<b>\$ 1,165.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 1,165.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$</b>	
				Amount to be refunded:	\$
				charged:	\$1,165.00

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		International Application No.	ATTORNEY'S DOCKET NUMBER
To Be Assigned <b>10/524252</b>		PCT/US03/21271	16218.013
<p>a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-2387</u> in the amount of \$1,165.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-2387</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p>			
<b>NOTE: Where an appropriate time limit under 37 CFR 1.496 has not been met, a petition to revive (37 CFR 1.137(a)) or (b)) must be filed and granted to restore the application to pending status.</b>			
SEND ALL CORRESPONDENCE TO:			
 Customer No. 28381 SIGNATURE <u>Lisa A. Adelson (Reg. No. 51,204)</u>			
Date: February 9, 2005			

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ARNOLD & PORTER LLP

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555 Twelfth Street, NW  
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February 9, 2005

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: PCT Application No. PCT/US03/21271  
Filed: 9 July 2003  
Title: Microfine Zinc-Glycerol Complexes  
Applicants: Pure Pharmaceuticals, Inc., *et al.*  
Atty. Docket: 16218.006

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Petition Under 37 C.F.R. § 1.137(b) for Revival of an Unintentionally Abandoned International Patent Application Designating the United States;
2. a Transmittal Letter to the U.S. Designated /Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371;
3. an English translation of the Published International Application entitled:

Microfine Zinc-Glycerol Complexes

and naming as inventors:

Reginald M. TAYLOR; David FAIRLIE; and Robert MOFFITT;

the application consisting of:

- a. a specification containing:
  - (i) 14 pages of a description prior to the claims;
  - (ii) 3 pages of claims;

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ARNOLD & PORTER LLPInternational Appl. No. PCT/US03/21271  
Our Ref. No. 16218.006

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- (iii) a one page abstract; and
- (iv) 16 pages of drawings (Figs. 1-16);
4. a copy of published International Application No. WO 2004/005300 A1;
5. a copy of Form PCT/ISA/220 (Notification of Transmittal of ISR);
6. a copy of form PCT/IB/304 (Notification Concerning Submission or Transmittal of Priority Document);
7. a copy of form PCT/IB/308 (Notice Informing the Applicant of the Communication of the International Application to the Designated Offices; and
8. two (2) return postcards.

In the accompanying Petition, Applicants request that the following fee be charged to Deposit Account No. 50-2387 referencing docket number 16218.006:

\$ 750.00 small entity fee for a Petition to Revive Unintentionally Abandoned International Application

In the accompanying Transmittal letter to the U.S. Designated/Elected Office, Applicants request that the following fees be charged to Deposit Account No. 50-2387 referencing docket number 16218.006:

\$ 500.00 small entity basic filing fee including Basic National Fee, Examination Fee, and Search Fee

\$ 600.00 small entity excess claims fee

\$ 65.00 small entity late oath or declaration fee

Please stamp one of the two attached postcards with the filing date of these documents and return it to our courier, and stamp the other prepaid postcard with the filing date and unofficial application number and return it as soon as possible.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees, other than the small entity fee for a Petition to Revive an Unintentionally Abandoned International Application (\$750.00) and small entity fees for filing the National Phase application (\$1,165.00) are due in conjunction with this filing. However, if any additional fees

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are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 16218.006. A duplicate of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
Lisa A. Adelson (Reg. No. 51,204)

Enclosures